IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.14800-M of 2007
Date of Decision:- 19.09.2007

Davinder singh @ Pappu ....Petitioner(s)

through
Mr.Gaurav Mohunta, Advocate

vs.

State of Punjab & ors. ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition is for quashing of F.I.R.No.20 dated 11.3.2005 under Sections 406/420/506 IPC registered at Police Station Sudhar, District Jagraon.

The above-stated F.I.R. has been registered on a complaint made by respondent No.2-Harnek Singh Khangura.

As per the allegations, some foreign currency was entrusted by the complainant to Deol Foreign Exchange for onward delivery to one Rashwinder Singh Khangura, resident of village Ationa, District Ludhiana, however, the agency failed to deliver the same. The petitioner appears to be the proprietor of the above-said firm.

The F.I.R. is sought to be quashed on the ground that the dispute which is essentially of civil nature and had arisen due to non-payment of amount, has since been amicably resolved and the amount has

been paid to the complainant. Reliance is also placed upon the compromise-deed purported to have been executed by the complainant in Canada i.e. the place where he resides, a copy of which has been placed on record as Annexure P-7. A perusal thereof reveals that the complainant has acknowledged the receipt of the full balance amount and has requested for cancellation of the impugned F.I.R.

Notice of motion was issued and in response thereto, it is stated by Mr.Rajesh Bhardwaj, learned DAG, Punjab, on instructions from SI Sukhbir Singh, that after investigation a cancellation report has already been presented on 16.8.2007 before the learned trial Court. He does not dispute the fact that the parties have compromised.

After hearing learned counsel for the parties and having regard to the nature of the dispute which has since been compromised between the parties and keeping in view the fact that the continuation of the impugned criminal proceedings is an exercise in futility as also an abuse of process of law and also in the light of the principles laid down by a five Judges Bench of this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another,** in Crl.Misc.No.33016-M of 2007 decided on 8.8.2007, this petition is allowed. The impugned F.I.R.No.20 dated 11.3.2005 under Sections 406/420/506 IPC registered at Police Station, Sudhar District Jagraon and all the consequential proceedings arising thereforom are hereby quashed.

September 19, 2007 **(SURYA KANT)**
poonam **JUDGE**